Department of Agriculture, Food and the Marine

Investigations Division

Code of Practice (COP) for the Conduct of Investigations.

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1. **Introduction**

1.1 The mission of the Department of Agriculture, Food and the Marine (DAFM) is stated as *serving the government and people of Ireland by leading, developing and regulating the Agri-Food sector, protecting public health and optimising social, economic and environmental benefits.*

In that context, the work of Investigations Division supports delivery of three of DAFM’s strategic goals. These are:

- To promote and safeguard public, animal and plant health and animal welfare for the benefit of consumers, producers and wider society.
- Provide income and market supports to underpin the rural economy and the environment.
- To maintain and develop strategic, operational, regulatory and technical capacity to achieve operational excellence.

The ongoing strategy to underpin these goals is to maintain and develop the most effective monitoring and control programmes to ensure effective implementation of appropriate legislation and standards across the Department’s areas of operation. This involves employing regulatory mechanisms such as self-regulation, administrative checks, inspections, audits, tasks assigned to Investigations Division and where necessary, civil and criminal legal sanctions.

1.2 **Investigations Division** deals with circumstances where serious non-compliance or fraud is suspected. The Investigations Division, which from time to time operates in conjunction with

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1 DAFM Statement of Strategy 2016-19
the Gárdá Síochána, Customs and Excise, the Revenue Commissioners, the PSNI, the Department of Agriculture, Environment and Rural Affairs of Northern Ireland (DAERA), FSAI and other bodies, investigates a wide range of activities including suspected breaches of National and/or EU legislation insofar as such legislation applies to the business of the Department of Agriculture, Food and the Marine.

1.3 This Code of Practice sets out the practices & procedures applied by the Investigations Division of the Department of Agriculture, Food and the Marine with regard to its general conduct in the course of an investigation. It describes the procedures operated by the Division, the responsibilities of investigators and the rights of those under investigation.

1.4 The Department, as part of its commitment to providing a quality service to all clients, will review the policy set out in this document from time to time and, if necessary, revise it to take into account changes in the law and good regulatory practice.

2. General Conduct

2.1 Officers assigned to the Investigations Division will operate at all times in accordance with this Code of Practice, best practice and within the law.

2.2 In conducting investigations, officers of the Investigations Division will have regard to this Code of Practice and will behave in a professional manner at all times.

2.3 Officers of the Investigations Division will treat all persons who are the subject of an investigation and all those who may be directly or indirectly affected by an investigation fairly, lawfully and with respect during the course of the investigation.
2.4 Officers of the Investigations Division will have regard to the Civil Service Code of Standards and Behaviour in the conduct of their investigations. They will respect due process and adhere to the established requirements of the judicial system in the conduct of all investigations. In the investigation of suspected criminal activities, the investigative procedures will comply with established legal requirements with regard to the gathering of evidence, taking of statements and subsequent presentation of evidence in court.

3. **Training**

Officers of the Investigations Division are required to have knowledge of the legislation relevant to the particular areas that they are to investigate as well as relevant schemes and services implemented and operated by the Department. Training will be provided as required in the conduct of inspections, investigations, the taking of evidence and the presentation of evidence in court.

4. **Authorisations**

Investigations will be carried out by authorised Officers.

5. **Communications**

5.1 The Officer-in-Charge (OIC) will identify him/herself on arrival at any premises in the course of an investigation, show his/her Department photographic identification card and will produce his/her Warrant of Appointment.

5.2 The Officer-in-Charge, or an officer appointed by the Officer-in-Charge, will explain the purpose of the visit and answer any questions the subject of the investigation may have.
5.3 The Officer-in-Charge, or an officer appointed by the Officer-in-Charge, will inform the person, who is the subject of the investigation, of the reason for the investigation and the legislation governing it.

5.4 The Officer-in-Charge, or an officer appointed by the Officer-in-Charge, will provide persons being investigated with his/her official contact details in writing.

5.5 If, in the course of an investigation, additional relevant issues arise, the Officer-in-Charge will explain their significance to the person affected by the investigation at the earliest opportunity.

5.6 The purpose of any legal notices issued, served, or to be applied in connection with an investigation and/or legal directions required under any such notice will be explained in as clear and simple language as possible to persons present who are directly affected by them. Such notices will be served in a manner provided for in the relevant legislation.

6. **Data Protection**

Officers assigned to the Investigation Division acknowledge that, by the nature of their duties, they obtain information that may relate to private matters, be commercially sensitive, or if confidentiality were not respected, potentially harmful to the interests and the reputation of those under investigation or others. Officers will exercise extreme care to safeguard all information provided, gathered or discovered, and to ensure that Data Protection legislation is respected.
7. **Conduct of Investigations**

7.1 In all investigations, evidence shall be gathered in compliance with legislative requirements while, as far as practicable, respecting the terms of the COP.

7.2 Investigations Division will be cognisant at all times of the number and gender of officers appropriate for any given stage of an investigation. The Officer-in-Charge shall inform the person being investigated of their right to legal advice and/or representation.

7.3 Legislation provides authorised officers with powers of entry, search and seizure of animals, products, equipment, documents or other materials relevant to the investigation. The use of the officer’s powers to enter premises for the purpose of enforcement will always be exercised within the law and in a proportionate and fair manner.

7.4 The search of a dwelling for evidence will ordinarily only be undertaken on foot of a search warrant issued by a Judge of a District Court. Such warrants will be obtained and executed in accordance with relevant legislation.

7.5 Exceptionally, and solely where provided for in the legislation, a search within a dwelling may proceed in the absence of a warrant, if in the course of an investigation, the investigator has reasonable cause to believe that evidence will be destroyed or disposed of.

7.6 Interviews will be conducted sensitively with regard for privacy and accommodating reasonable requests with respect to this.

7.7 Before commencing an interview into suspected offences, the person under investigation will be informed of his/her rights. If he/she expresses a wish to have somebody else present at
the time of making a statement (such as a family member, legal representative or other person), all reasonable requests will be accommodated as far as practicably possible.

7.8 Cautions will be administered in appropriate circumstances where persons are questioned.

7.9 When a person makes a statement of evidence, he/she will be provided as soon as is practicable with a photocopy of the original written statement and later with a typed copy where the statement is taken in long-hand.

7.10 Where documents, material(s) or other items are seized during the course of an investigation, a receipt for these will be provided to the person from whom they are seized and he/she will be asked to acknowledge this.

7.11 If the nature of a seized item is such that it may not legally be returned to the person from whom it was seized, the Officer-in-Charge will write to that person, advising him/her of the decision and that the material is to be disposed of, allowing him/her an opportunity to appeal the decision.

7.12 Where the Officer-in-Charge forms the opinion that the health or welfare of animals is likely to be compromised or that animals are likely to be moved in contravention of a notice, he/she may seize the animals in compliance with the relevant legislation.

7.13 Where an investigation concludes that no offence has been committed, the person who was the subject of the investigation shall be informed of that fact.

8. Safety, Health and Welfare of staff

8.1 An officer of the Investigations Division is entitled to be dealt with by a party under investigation in a respectful and courteous manner.
8.2 If an officer is assaulted or threatened in any manner, or has his/her property damaged in the course of his/her official duties, he/she will report the incident at the earliest opportunity to the Head of Division and to local Gárda Síochána and provide details as required. The matter should also be reported internally using the appropriate mechanism under Health & Safety legislation/procedures.

9. **Medical Assistance**

If, during the course of an investigation, any person becomes ill or sustains an injury which requires medical assistance, the Officer-in-Charge of the investigation will ensure that such assistance is sought immediately.

10. **Damage to Property**

Where property is damaged in the course of an investigation, the Officer-in-Charge will report the matter to the Head of Investigations Division who will advise on any appropriate remedial measure that ought to be undertaken.

11. **Complaints**

11.1 If during the course of an investigation, a complaint is made against an officer of the Investigations Division, the Officer-in-Charge will endeavour to deal with it on-the-spot where at all possible. If not resolved, the Officer-in-Charge will provide the individual making the complaint with details of the Departments Complaints Procedures and relevant contact details.
11.2 If the complaint relates to the Officer-in-Charge, the Officer-in-Charge will provide the complainant with the contact details of the Head of Investigations Division and advise him/her to write to the Head setting out the details of the complaint against the Officer-in-Charge.

11.3 The Head of Investigations Division will investigate any complaints submitted to him/her and will issue a written response within a reasonable timeframe.

11.4 Where a complainant is not satisfied with the response received from the Head of the Investigations Division, he/she may lodge a complaint with the Quality Customer Service Unit of the Department.

11.5 The Department’s Quality Customer Service Unit will evaluate the details of any complaint received. The Quality Customer Service Unit will have the complaint examined. Additionally, a copy of the complaint will be forwarded to the Investigations Division Steering Group.

11.6 Complaints received by the Department through other routes/channels will be forwarded to the Quality Customer Services Unit to process through its system in the first instance and be assigned to the appropriate stage in this complaint procedure, depending on the details of the complaint.

11.7 Information on the Customer Complaints Procedure is also available on request from the Quality Customer Service Unit. A copy of the formal complaints procedure may be accessed from the Department’s web site at:

http://www.agriculture.gov.ie/contact/customercomplaints/
11.8 A copy of the Code of Practice of the Department’s Investigations Division can be obtained by any person from either the Investigations Division or the Quality Customer Service Unit. The Code of Practice is also available online at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

12 Contact Details

**Quality Service Unit**

Quality Service Unit,
Corporate Affairs Division,
Department of Agriculture, Food and the Marine,
Grattan Business Centre,
Dublin Road,
Portlaoise,
Co. Laois.

**Phone:** 057 8694331 or **email:** QualityServiceUnit@agriculture.gov.ie

**Investigations Division**

The Officer-in-Charge,
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